

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARMELO MILLAN,

Plaintiff,

-against-

CITIGROUP, INC., CITIGROUP TECHNOLOGY, :
INC., :

Defendants. :

**ORDER GRANTING SUMMARY
JUDGMENT**

07 Civ. 3769 (AKH)


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ALVIN K. HELLERSTEIN, U.S.D.J.:

By agreement of the parties, defendant Citigroup, Inc., is dismissed from the case.

Defendant Citigroup Technology, Inc. ("CTI") moves for summary judgment on plaintiff's claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201 et seq. and under New York Labor Law §§ 650 et seq., pursuant to Fed. R. Civ. P. 56(e). On May 14, 2008, the parties appeared before me for oral argument. For the reasons stated on the record, the motion is granted. I find that plaintiff's claims under the FLSA fail on the merits, and that this Court lacks subject-matter jurisdiction to decide the N.Y.L.L. claims. The Clerk shall mark the case closed.

SO ORDERED.

Dated: May 14, 2008
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge